

REMARKS

In the Office Action, the Examiner objected to claim 40; rejected claims 1-6, 8-10, 12-14 and 39-42 under the second paragraph of 35 U.S.C. §112; rejected claims 1-6, 8-10, 12-37 and 39-42 under 35 U.S.C. §103(a). These rejections are fully traversed below.

Claims 1, 4, 13, 15, 23, 27, 36 and 40 have been amended to further clarify the subject matter regarded as the invention. In addition, claims 5, 8, 12 and 17 have been cancelled from the application without prejudice or disclaimer. Still further, new claims 43-46 have been added to the application. Thus, claims 1-4, 6, 9-10, 13-16 and 18-46 are pending. Reconsideration of the application is respectfully requested.

INTERVIEW SUMMARY

Applicants thank the Examiner for the interview on December 15, 2009. The patentability of the claims 1, 12 and 42 in view of Bowker et al. was discussed. Proposed amendments were also discussed and well as potential clarifying amendments. Applicants indicated a response would be filed with amendments to further clarify the claimed invention so as to facilitate prosecution.

OBJECTION TO THE CLAIMS

In the Office Action, the Examiner objected to claim 40 as being an improper dependent claim. Applicant respectfully disagrees. However, claim 40 has been amended to further clarify the subject matter regarded as the invention. Accordingly, it is respectfully requested that the objection of claim 40 be withdrawn. The Examiner also commented that claim 37 was duplicative of claim 36. Claim 36 has been amended, thus clarifying distinctions between claims 36 and 37.

REJECTION OF CLAIMS 1-6, 8-10, 12-14 AND 39-42 UNDER 35 USC 112, 2ND

PARAGRAPH

In the Office Action, the Examiner rejected claims 1-6, 8-10, 12-14 and 39-42 under the second paragraph of 35 USC §112 as being indefinite. Specifically, the Examiner contends that claims 1 and 8 are indefinite. However, claim 1 has been amended and claim 8 has been canceled. Consequently, the rejection of under the second paragraph of 35 USC §112 is now moot and should be withdrawn. Therefore, it is respectfully requested that the rejection of claims 1-6, 8-10, 12-14 and 39-42 under the second paragraph of 35 USC §112 be withdrawn.

REJECTION OF CLAIMS 1-6, 8-10 and 12-42 UNDER 35 USC 103

In the Office Action, the Examiner rejected claims 1-6, 8-10, 12-37 and 39-42 under 35 USC 103(a) as being unpatentable over Bowker et al. (US 6,601,071) in view of Dunning et al. (US 2002/0082901); and rejected claim 38 under 35 USC 103(a) as being unpatentable over Bowker et al. in view of Dunning et al. and further in view of Berry et al. (US 6,018,341). Applicants respectfully disagree.

Claim 1 is pertains to sharing media data between different application. A first application that uses media information about one or more media content files in a proprietary format can produce a data communication file. The data in the data communication file is derived from the media information such that data internal to the data communication file is acquired from the media information. Thereafter, another different application, a second application program, can access the data communication file to produce a user interface on the display using data internal to the data communication file.

In particular, claim 1, among other things, recites:

(b) accessing, by a second application program, a data communication file provided by the first application program, the data communication file having a predetermined format known by the second application program, the first application program utilizing media information about one or more media content files in a proprietary format, and the data communication file being derived from the media information such that data internal to the data communication file is acquired from the media information....

Here, a data communication file having a predetermined format is provided by a first application program. The data communication file is derived from media information about one or more media content files in a proprietary format. The second application program understands the predetermined format for the data communication file and can thus access media information about the one or more media content files from the data communication file.

Bowker et al. describes a system that provides an XML import tool that can import data from an XML file. Claim 1, on the other hand, is a method for sharing media data between application programs. Bowker et al. does not teach or suggest use of a data communication file to access media information about the one or more media content files. Moreover, claim 1 also recites "wherein the data within the data communication file includes at least media item properties for media items and includes links to storage locations for media content files containing media content for the media items" which is also not taught or suggested by Bowker et al.

Dunning et al. describes a relationship discovery engine. Dunning et al. provides a system for generating track lists for personalized radio stations. The personalization is based on recommendations based on user profiles of user preferences.

Applicants submit that one skilled in the art would not seek to combine Dunning et al. with Bowker et al. Even if Dunning et al. were to be combined with Bowker et al., the combination of references would not overcome the deficiencies of Bowker et al. Accordingly, it is submitted that claim 1 is patentably distinct from Bowker et al., alone or in combination with Dunning et al.

Claims 15 and 27 are other independent claims directed at sharing media data between computer programs. These claims also make use of a data communication file. As noted above, neither Bowker et al. nor Dunning et al. provide any teaching or suggestion for a data communication file to facilitate sharing media data between applications (or application programs) as recited in these claims. Therefore, it is submitted that claims 15 and 27 are patentably distinct from Bowker et al., alone or in combination with Dunning et al.

Dependent claims 2-4, 6, 9, 10, 13, 14, 16, 18-26 and 28-42 are also patentably

distinct from the cited references for at least the same reasons as those recited above for the independent claim, upon which they ultimately depend. These dependent claims recite additional limitations that further distinguish these dependent claims from the cited references. For at least these reasons, these claims are not anticipated by Bowker et al. in view of Dunning et al.

SUMMARY

It is submitted that claims 1-4, 6, 9, 10, 13, 14, 16 and 18-42 (as well as new claims 43-46) are patentably distinct from the cited references. Reconsideration of the application and an early Notice of Allowance are earnestly solicited.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 504298 (Order No. 101-P288).

Respectfully submitted,

/C. Douglass Thomas/

C. Douglass Thomas
Reg. No. 32,947

TI Law Group
19200 Stevens Creek Blvd., Suite 240
Cupertino, CA 95014
408-252-9991
408-252-9993 (fax)